

# The Department of Community Development

City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** May 24, 2006  
**Re:** **CONDITIONAL USE PERMIT (CUP): To allow the construction of a townhouse building across the City of Lynchburg and Campbell County corporate limit.**

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## I. PETITIONER

Mark Borel, Braxton Park, LLC, P.O. Box 640, Lynchburg, VA 24505

**Representative:** Mike Morgan, Hurt and Proffitt, 2524 Langhorne Road, Lynchburg, VA 24501

## II. LOCATION

The subject property is a tract of approximately three and two tenths (3.2) acres located at 1002 Enterprise Drive.

**Property Owner:** Mark Borel, Braxton Park, LLC, P.O. Box 640, Lynchburg, VA 24505

## III. PURPOSE

The purpose of this petition is to allow the construction of a townhouse building that would cross the corporate limit between the City of Lynchburg and Campbell County.

## IV. SUMMARY

- Petition agrees with the *Comprehensive Plan*, which recommends the area as a mixed use location.
- Petition agrees with the Zoning Ordinance in that a structure which would be split by a city-county boundary line shall be permitted by conditional use permit.
- Petition proposes the construction of a four (4) building, twenty-nine (29) unit townhouse development at the intersection of Enterprise Drive and Laxton Road. The petitioner is requesting a CUP to build one (1), five (5) unit building across the City of Lynchburg/Campbell County jurisdictional boundary. Of the five (5) units, four (4) will be located within the City of Lynchburg, with one (1) unit located in Campbell County.

**The Planning Division recommends approval of the CUP petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a mixed use for the subject property. Mixed use areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The Wyndhurst Master Plan, approved as part of Traditional Neighborhood Development (TND) Conditional Use Permit in May of 2000, originally designated this area as a residential area that could include single family attached housing.

The plan also recommends promoting regional cooperation for issues related to land use, growth, and development. Land use decisions and planning in the surrounding counties have and will continue to have an impact on how the City approaches land use, transportation, utility extension, and environmental management (*5.7, Regional Land Use Issues*)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2C, Low-Medium Density Single-Family Residential District was established in 1978 with the adoption of the *Zoning Ordinance*. The petitioner is requesting a conditional use permit to allow the structure to be split by the Lynchburg City/ Campbell County boundary line.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
  - 9/12/2000: City Council approved J.E. Jamerson's petition to rezone one hundred and sixty seven (167) acres east of Enterprise Drive from R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional), to R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional) to make minor amendments to existing proffers.
  - 5/9/2000: City Council approved The Summit, J.E. Jamerson, and the Industrial Development Authority's petition for a Conditional Use Permit (CUP) to rezone about one hundred and forty three (143) acres from R-4C, Multi-Family Residential District (Conditional), and B-1C, Limited Business District (Conditional), to R-4C, Multi-Family Residential District (Conditional), and B-1C, Limited Business District (Conditional), to amend a site plan and proffers. This was requested in order to (a) allow fill in a flood plain, (b) establish The Summit Traditional Neighborhood Development (TND), and (c) extend the Wyndhurst TND on Enterprise Drive.
  - 4/8/1997: City Council approved J.E. Jamerson's petition to rezone four hundred (400) acres in the vicinity of Laxton Road and Enterprise Drive from R-1, Single-Family Residential District, to R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional); B-1C, Limited Business District (Conditional); B-3C, Community Business District (Conditional); and I-2C, Light Industrial District (Conditional), to allow single-family, townhouse, and apartment uses; a nursing home/assisted living/retirement home complex; various commercial uses; and an industrial park.
  - 2/14/1984: City Council approved Cedar Ridge Associates' petition to rezone forty two and forty four hundredths (42.44) acres on Laxton Road from R-1, Single-Family Residential District, to R-2C, Low-Medium Density Single-Family Residential District.
5. **Site Description.** The subject property is a tract of approximately three and two tenths (3.2) acres that is currently undeveloped. The site is bound to the north by Wyndhurst, to the east by Enterprise Drive and existing single-family residential homes and to the south and west by residential homes in Campbell County.
6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a four (4) building, twenty-nine (29) unit townhouse development at the intersection of Enterprise Drive and Laxton Road. The petitioner is requesting a CUP to build one (1), five (5) unit building across the City of Lynchburg/ Campbell County jurisdictional boundary. Of the five (5) units, four (4) will be located within the City of Lynchburg, with one (1) unit located in Campbell County. The townhouse unit that is located in Campbell County will have a permanent address within Lynchburg City and all services will be provided by the City.

Section 35.1-22(j) of the City Code provides that a structure may be split by a county boundary line by a conditional use permit under the regulations of Section 35.1-15 and Article X of the Zoning Ordinance. The property where the single unit is proposed in Campbell County is not presently zoned for residential use; as such, a rezoning of the property that lies within Campbell County will be required. Holly Yates, Campbell County Zoning & Subdivision Administrator, has confirmed by letter that the petition for the rezoning has been received by the county and will be heard at their May 22<sup>nd</sup> Planning Commission Meeting and July 31<sup>st</sup> Board of Supervisors meeting.

The Wyndhurst Design Guidelines call for townhouses to be designed with a balance of vertical and horizontal directional emphasis so as to provide visual variety along the street. The attached architectural renderings have been reviewed by the Wyndhurst Design Review Board and meet the requirements of the design guidelines.

7. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set based on off-street parking and loading regulations for residential uses as defined by Chapter 35.1-25 of the City's Zoning Ordinance. This use requires two and five tenths (2.5) parking spaces per one (1) dwelling unit; the proposed twenty nine (29) townhouses will require seventy three (73) parking spaces. The site plan indicates that eighty four (84) parking spaces will be provided for the townhouse buildings, thus meeting the requirement of City Code.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. Since the majority of the proposed townhouse building will be located in Lynchburg City, the City's Environmental Planner has verified that the City will be responsible for the review and inspection of all erosion and sediment control and stormwater issues related to the project.

The increase in post-development runoff conditions due to the new impervious area will be managed through the use of Wyndhurst Lake, a regional stormwater detention facility for the project. Level spreaders will be used to convert the run-off to sheet flow which will reduce both the velocity and concentration of the stormwater. The run-off will then enter a natural channel which will convey the stormwater to the lake. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater from the proposed pond. A water quality vegetated swell with plunge pools will be used to manage stormwater quality from the site. The design is acceptable to the City's Environmental Planner.

9. **Emergency Services.** Neither the City's Fire Marshal nor the Police Department had any comments on the Conditional Use Permit application for the proposed development. The City's Fire Marshal has confirmed that emergency vehicle response for the Campbell County unit can be covered by the City's resources based on the proper permanent address by Zoning and Verizon phone service routing 911 calls to Lynchburg Communication Dispatch Center. The City's Zoning Administrator confirmed the Campbell County townhouse unit will be permanently addressed within the City.
10. **Impact.** The proposed construction of a five (5) unit townhouse building across the Lynchburg City/Campbell County jurisdictional boundary line will have limited impacts on the surrounding area. The attached architectural renderings have been reviewed by the Wyndhurst Design Review Board and meet the requirements of the design guidelines. Building plans review for the

single unit that lies within Campbell County will be completed by the City of Lynchburg Inspections Division in conjunction with the remainder of the building.

The property where the single unit is proposed in Campbell County is not presently zoned for residential use; as such, a rezoning of the property that lies within Campbell County will be required. Holly Yates, Campbell County Zoning & Subdivision Administrator, has confirmed by letter that the petition for the rezoning has been received by the county and will be heard at their May 22<sup>nd</sup> Planning Commission Meeting and July 31<sup>st</sup> Board of Supervisors meeting. The Planning Division recommends that the entire five (5) unit townhouse building not be constructed until such time that a rezoning is approved by Campbell County.

Since only one (1) of the five (5) units will be located in Campbell County, all services to the single unit will be administered through Lynchburg City. Trash collection will be managed by curbside pick-up service rather than a dumpster. Water and sewer service will be provided to the Campbell County unit through extension of lateral lines from the City of Lynchburg main.

The City's Fire Marshal noted that emergency vehicle response for the Campbell County unit can be covered by the City's resources based on the proper permanent address by Zoning and Verizon phone service routing 911 calls to Lynchburg Communication Dispatch Center. The City's Zoning Administrator has confirmed that the emergency response unit will be permanently addressed within the City.

The City's Environmental Planner has verified that the City will be responsible for the review and inspection of all erosion and sediment control and stormwater issues related to the project. The increase in post-development run-off conditions due to the new impervious area will be managed through the use of Wyndhurst Lake, a regional stormwater detention facility for the project. Level spreaders will be used to convert the run-off to sheet flow which will reduce both the velocity and concentration of the stormwater. The run-off will then enter a natural channel which will convey the stormwater to the lake. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater from the proposed pond. A water quality vegetated swell with plunge pools will be used to manage stormwater quality from the site. The design is acceptable to the City's Environmental Planner.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 2, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
12. **Conditions.** According to Section 35.1-15(f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.

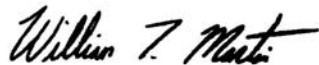
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## VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Braxton Park, LLC's petition for a Conditional Use Permit (CUP) at 1002 Enterprise Drive to allow the construction of a townhouse building across the City of Lynchburg and Campbell County corporate limit, subject to the following conditions:**

1. **The property will be developed in substantial compliance with the Conditional Use Permit Plan for 1002 Enterprise Drive, received by Community Planning & Development on April 18, 2006.**
2. **The Campbell County property must be rezoned as a residential land use before the five (5) unit townhouse building can be constructed.**
3. **The building will be constructed in accordance with Wyndhurst Design Guidelines as illustrated within the “Laxton Square – Wyndhurst” architectural rendering received by Community Planning & Development on April 25, 2006.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. J. Lee Newland, Director of Engineering  
Capt. Michael L. Thomas, Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mrs. Erin B. Hawkins, Environmental Planner  
Mr. Mark Borel, Braxton Park, LLC

## **VII. ATTACHMENTS**

1. **Vicinity Zoning Pattern**  
(see attached map)
2. **Vicinity Proposed Land Use**  
(see attached map)
3. **Site Plan**  
(see attached site plans)
4. **Project Narrative**  
(see attached narrative)
5. **Building Elevations**  
(see attached renderings)